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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HECTOR MIGUEL GONZALEZ,
Petitioner,
v.
BRIAN WILLIAMS, et al.,
Respondents.

Case No. 2:15-cv-00618-RFB-CWH

**UNOPPOSED MOTION FOR
EXTENSION OF TIME IN WHICH TO
FILE REPLY IN SUPPORT OF
PETITION**

(First Request)

Petitioner Hector Gonzalez, by and through his attorney of record, Assistant Federal Public Defender Jeremy C. Baron, hereby moves this Court for an extension of time of sixty (60) days, from September 21, 2017, to and including November 20, 2017, in which to file a reply in support of Mr. Gonzalez's petition. This motion is based upon the attached points and authorities and all pleadings and papers on file herein.

POINTS AND AUTHORITIES

1. Mr. Gonzalez filed his pro se federal petition for a writ of habeas corpus in this Court on or about January 16, 2015. ECF No. 10. The respondents filed a motion to dismiss on June 20, 2016. ECF No. 13. The Court issued an order finding certain of the claims to be unexhausted on March 31, 2017. ECF No. 20. The Court appointed counsel on behalf of Mr. Gonzalez and ordered Mr. Gonzalez to either abandon the unexhausted grounds, dismiss his petition, or seek a stay. *Id.* at 8. Undersigned counsel filed a notice of representation on May 1, 2017 (ECF No. 21), and Mr. Gonzalez filed a declaration that he intended to abandon his unexhausted claims on May 30, 2017 (ECF No. 22). The respondents filed an answer on August 22, 2017. ECF No. 25. Under the Court's prior scheduling order (ECF No. 20), Mr. Gonzalez has until September 21, 2017, to file a reply in support of his petition.

2. Undersigned counsel has been reviewing Mr. Gonzalez's file and the respondents' answer in an effort to comply with the Court's deadline. However, counsel respectfully suggests that additional time is necessary to properly prepare Mr. Gonzalez's reply.

3. Many claims in Mr. Gonzalez’s petition survived the respondents’ motion to dismiss, increasing the complexity of the reply. In addition, Mr. Gonzalez filed a pro se petition in this case, and the Court did not require him to file a counseled amended petition. As a result, the preparation of a reply in the instant case may necessitate additional review and effort compared to a case in which a petitioner has filed a detailed and thorough counseled amended petition.

4. Undersigned counsel has had many professional obligations in recent weeks, including, among other things, an amended petition and motion for discovery filed on August 2, 2017, in *Slaughter v. Baker*, No. 3:16-cv-00721-RCJ-WGC (D. Nev.), as well as a reply in support of the motion for discovery, filed on August 18, 2017; an

1 opening brief filed on August 9, 2017, in *Gutierrez v. Williams*, No. 16-15704 (9th
2 Cir.); a motion to stay filed on September 4, 2017, in *Rosaschi v. Wickham*, No. 3:16-
3 cv-00442-MMD-WGC (D. Nev.); a motion to reconsider filed on September 5, 2017, in
4 *Carmichael v. Gentry*, No. 2:16-cv-01142-RFB-GWF (D. Nev.); and a hearing in state
5 district court on September 6, 2017, in *Mercado v. Baker*, No. 95C125649 (Nev.
6 Eighth Jud. Dist. Ct.).

7 5. Undersigned counsel has numerous additional professional obligations
8 in the coming weeks, including, among others, a supplemental opening brief due on
9 October 2, 2017, in *LaPena v. Grigas*, Case No. 15-16154 (9th Cir.), a 40-year-old case
10 in which the Ninth Circuit has granted a certificate of appealability regarding the
11 client's actual innocence within the meaning of *Herrera v. Collins*, 506 U.S. 390, 417
12 (1993), and that has required extensive review of multiple multi-week trials,
13 evidentiary hearings, trial court and appellate court pleadings, and other documents;
14 an opposition to a motion to dismiss due on October 2, 2017, in *Carley v. Nevens*,
15 Case No. 2:16-cv-02227-JAD-PAL (D. Nev.); and an amended petition due on October
16 23, 2017, in *Matlean v. Williams*, Case No. 3:16-cv-00233-HDM-VPC (D. Nev.).

17 6. On September 20, 2017, counsel contacted Senior Deputy Attorney
18 General Dennis C. Wilson and informed him of this request for an extension of time.
19 As a matter of professional courtesy, Mr. Wilson had no objection to the request. Mr.
20 Wilson's lack of objection should not be considered as a waiver of any procedural
21 defenses or statute of limitations challenges, or construed as agreeing with the
22 accuracy of the representations in this motion.

23 7. This motion is not filed for the purpose of delay, but in the interests of
24 justice, as well as in the interest of Mr. Gonzalez. Counsel for Mr. Gonzalez
25 respectfully requests that this Court grant this motion and order Mr. Gonzalez to file
26 the reply no later than November 20, 2017.

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DATED this 21st day of September, 2017.

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Respectfully submitted,

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RENE L. VALLADARES
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Federal Public Defender

5
/s/ Jeremy C. Baron

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JEREMY C. BARON
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Assistant Federal Public Defender

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IT IS SO ORDERED:

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RICHARD F. BOULWARE, II
13
United States District Judge

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Dated: September 25, 2017.

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CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Dennis C. Wilson.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Hector Miguel Gonzalez
No. 1055141
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender